

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of:

Petition for Reconsideration of a)	DA No. 16-1120, released September 30, 2016
Decision of the Telecommunications)	
Access Policy Division)	CC Docket No. 02-6
Wireline Competition Bureau)	
by DeLand-Weldon Community Unit School District #57)	

Petition for Reconsideration

DeLand-Weldon Community Unit School District #57, Illinois requests reconsideration of a Decision by the Wireline Competition Bureau (Bureau) in accordance with Title 47, Part 1, Section 1.106 of Commission rules. This request is based on §1.106(b)(2) or §1.106(c)(2) of the Commission's rules. This petition comes timely submitted within 30 days of the Administrator decision.

Applicant Name: DeLand-Weldon Community Unit School District #57 (DeLand)
Billed Entity Number: 136277
Service Providers: MCC Telephony, LLC and AT&T Corp
SPIN: 143029836
FCC Form 471 Application Numbers: 938851, 966807
Funding Request Number: 2562631, 2630071
Reason for Denial: Untimely-Filed Request for Review

In a decision dated September 30, 2016, DeLand-Weldon Community Unit School District #57, Illinois, et al., DA 16-1120, the Wireline Competition Bureau denied a number of appeals "on the ground that the petitioners failed to submit their appeals either to the Commission or to USAC within 60-days, as required by Commissions' rules, and did not show special circumstance necessary for the Commission to waive the deadline."

The DeLand-Weldon Community Unit School District #57 is respectfully requesting reconsideration of the Bureau's Decision.

Our original appeal was to request for an additional 30-day extension in order to submit Deland's FY2014 BEARs for reimbursement. We originally submitted the BEAR requests on December 3, 2015, which was approved on March 8, 2016, and our subsequent BEARs were filed on March 12, 2016, #s 2359759 and 2359760. Unbeknownst to the filer and contact David Gornstein of E-Rate Funding Services, LLC nor the applicant's remittance contact, Dr. Jeffrey Holmes, that a \$0 BEAR Notification Letter was

issued on April 20, 2016. Said letter was addressed to Dr. Gary Brashear, retired from the district on June 30, 2015.

Our concern is that the BEAR Notification Letter was sent to neither of the individuals noted in the official BEAR filings; rather the notice went to a former employee of the district. Had either of the filer or remittance contact been appropriately advised, a corrected BEAR would have been filed. We ask that we be granted an extension to affect those filings.

Reason that BEAR was \$0-funded: Bill Date before Service-Start Date, we used a SSD of 7/1/2014 instead of 10/1/2014.

Granting the deadline extension request(s) does not promote waste, fraud or abuse.

Further, the fact that notification was not made to any of the noted parties of the BEAR filings, clearly shows that special circumstances exist and that the Commission should waive the appeal filing deadline. It defies logic that the individuals who/m were part of the filing of the BEARs on March 12, 2016 were not informed that there was an error; but the notification was made to an individual no longer employed by the district.

Payments for the services rendered have been made to the service providers and we are now looking to request reimbursement for those approved services. The District respectfully requests approval of this request for reconsideration, which would allow the District to recover funds, committed and has already paid for.

We note here that the Waiver of the Rules would serve the public interest by allowing the District to recover its eligible telecommunications services, without adversely affecting current or future E-rate applicants.

The assistance we receive from the E-rate program is vital to our Schools and to have lost our funding as a result only of this procedural failing is devastating. We ask the Commission to grant this Petition for Reconsideration, and permit Deland to submit their 2014 BEARs for reimbursement.

For the Applicant,

David Gornstein, PHF

E-Rate Funding Services, LLC

CRN 16082747

Cell: 973-714-3724 | Email: dave.erfs@att.net

Home Office: 618-589-9233 | Fax: 866-735-8070